

6. Defendants admit.
7. Defendants admit.
8. Defendants admit that this is an action filed regarding a vessel but deny that a deficiency exists.
9. Defendants admit the facts set forth in paragraph No. 9 of the Original Petition and composite Exhibit A.
10. Defendants admit that the Defendant Mikolaj Kiszkiel signed the extension of payment agreement, but deny that all Defendants executed said extension as stated so forth in paragraph No. 10 of the Original Petition and composite Exhibit B.
11. Defendants admit the facts set forth in paragraph No. 11 of the Original Petition.
12. Defendants admit the allegations set forth in paragraph No. 12 of the Original Petition.
13. Defendants admit.
14. Defendants admit the Vessel was sold, but cannot admit or deny that the Vessel was sold at a private sale. Moreover, Defendants admit that SunTrust sent Deficiency Notices to each Defendant, but deny owing a deficiency balance.
15. Defendants admits the first two sentences of paragraph No. 15 of the Original Petition but denies the third sentence that the Plaintiff SunTrust is entitled to a deficiency balance.
16. Defendants deny the allegations set forth in paragraph No. 16 of the Original Petition.
17. Defendants deny the allegations set forth in paragraph No. 17 of the Original Petition.
18. Defendants deny the allegations set forth in paragraph No. 18 of the Original Petition.
19. Defendants deny the allegations set forth in paragraph No. 19 of the Original Petition.

II.
DEFENSES

20. Plaintiff failed to dispose of the collateral in a commercially reasonable manner and, therefore, is not entitled to recover a deficiency judgment.

III.
CONDITIONS PRECEDENT

Plaintiff has not performed all conditions precedent that it was required to perform before filing suit, namely and most notably the following:

21. Plaintiff failed to dispose of the collateral in a commercially reasonable manner.

IV.
CONCLUSION AND PRAYER

FOR THESE REASONS, Defendants ask this Court to dismiss the complaint and enter judgment in favor of the Defendants.

Respectfully submitted,

JOHNSON & BRYAN

By: /s/ Travis A. Bryan
TRAVIS A. BRYAN
State Bar No. 24069438
JONATHON C. JOHNSON
State Bar No. 24034509
701 N. Post Oak Road, Suite 140
Houston, Texas 77024
(713) 751-0070 (Telephone)
(713) 751-0075 (Telecopy)
travis@jblawtexas.com
chad@jblawtexas.com

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I, Travis Bryan certify that on the 15th day of January, 2016, I electronically filed with the Clerk of the Court using the CM/ECF system a copy of Defendants' Original Answer to Plaintiff's Original Petition, which will send notification of such filing to the following:

Gary F. Cerasuolo, Esq.
SMITH & CERASUOLO, LLP
7500 San Felipe at Voss
Suite 410
Houston, TX 77063

Via CM/ECF

Attorneys for the Plaintiff

/s/ Travis A. Bryan
TRAVIS A. BRYAN
ATTORNEY IN CHARGE FOR THE
DEFENDANTS